

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 19-cv-1121 (WMW/DTS)

Plaintiff,

v.

\$28,460 in U.S. Currency,

**ORDER GRANTING DEFAULT
JUDGMENT AND FINAL ORDER OF
FORFEITURE**

and

Defendant,

Gabriel Heinz Flood,

Claimant.

This matter is before the Court on Plaintiff United States of America's motion for default judgment and final order of forfeiture, and a Stipulation of Settlement between the United States and Claimant Gabriel Heinz Flood (Stipulation) pertaining to Defendant \$28,460 in U.S. Currency (Defendant Currency). (Dkts. 20, 23.) Pursuant to the Stipulation, the United States and Flood agree that the Court may enter a final order of forfeiture that forfeits \$20,960 of Defendant Currency to the United States pursuant to 21 U.S.C. 881(a)(6). The United States also seeks default judgment against all unknown persons and entities that have failed to file a verified statement of interest and answer to the Verified Complaint for Forfeiture *in Rem*.

Based on all the files, records and proceedings herein, the Court finds as follows:

1. The United States filed a Verified Complaint for Forfeiture *in Rem* on April 25, 2019, alleging that the Defendant Currency is subject to forfeiture, pursuant to 21 U.S.C. § 881(a)(6), because it was furnished or intended to be furnished in exchange for a controlled substance, constitutes proceeds traceable to such an exchange, or was used or intended to be used to facilitate a violation of the Controlled Substances Act.

2. On April 29, 2019, the Clerk of Court issued a Warrant of Arrest and Notice *in Rem* directing the United States Marshals Service to arrest the Defendant Currency and to serve all persons thought to have a potential interest in the Defendant Currency with a copy of the Verified Complaint for Forfeiture *in Rem* and the Warrant of Arrest and Notice *in Rem*.

3. The United States sent, by certified mail, a Notice of Judicial Forfeiture Proceedings, the Verified Complaint for Forfeiture *in Rem*, and the Warrant of Arrest and Notice *in Rem* to Gabriel Heinz Flood and his attorney, Derek W. Hansen.

4. As required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, the United States Attorney's Office posted a notice of civil forfeiture on an official government website (www.forfeiture.gov) for at least 30 consecutive days, beginning on April 27, 2019.

5. On June 4, 2019, Flood filed a Verified Claim asserting an ownership interest in the Defendant Currency, and on June 25, 2019, Flood filed an Answer to the Verified Complaint for Forfeiture *in Rem*.

6. No other claim or answer has been filed, and the time for filing a claim or answer has expired. *See* Supplemental Rule G(5).

7. On December 4, 2020, the United States and Flood filed a Stipulation of Settlement, wherein the United States and Flood agree to settle this civil forfeiture action as follows:

- a. The Plaintiff, United States of America, agrees to return \$7,500.00 of the Defendant Currency to Gabriel Heinz Flood subject to the provisions of the Stipulation of Settlement; and
- b. Gabriel Heinz Flood withdraws his claim to \$20,960.00 of the Defendant Currency and agrees that this amount will be forfeited to the Plaintiff, United States of America, pursuant to 21 U.S.C. § 881(a)(6), for disposition in accordance with law.

Based on the foregoing and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Stipulation of Settlement between Plaintiff United States of America and Claimant Gabriel Heinz Flood, (Dkt. 20), is **APPROVED**.

2. Plaintiff United States of America's motion for default judgment and a final order of forfeiture, (Dkt. 23), is **GRANTED**.

3. As required by 18 U.S.C. § 983(a)(4) and Supplemental Rule G(5), default judgment is entered against all unknown persons and entities having an interest in Defendant \$28,460 in U.S. Currency for failure to file a verified statement of interest in or

right to Defendant \$28,460 in U.S. Currency and an answer to the Verified Complaint for Forfeiture *in Rem*.

4. All right, title and interest in \$20,960.00 of Defendant \$28,460 in U.S. Currency are hereby forfeited to and vested in the United States pursuant to 21 U.S.C. § 881(a)(6).

5. Pursuant to Supplemental Rule G(7)(c) and the Stipulation of Settlement between the United States and Flood, the forfeited currency shall be disposed of by the United States as provided by law, and \$7,500 shall be returned to Flood in accordance with the terms of the Stipulation of Settlement.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 5, 2021

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge